



PTO/SB/21 (08-03)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/669,204
	Filing Date	September 23, 2003
	First Named Inventor	Russell A. HOUSER
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	70 pages + 6 refs.	Attorney Docket Number 509192000201

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of co-pending Application Serial No. 09/602,436 - 50 pages Form PTO-1449 + duplicate copy - 16 pages Six (6) references Return receipt postcard
<input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Johney U. Han - 45,565	25226
Signature		
Date	November 28, 2003	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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Signature: (Patricia M. Ellison)



PATENT  
Docket No. 509192000201

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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*Patricia M. Ellison*

Patricia M. Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Russell A. HOUSER et al.

Serial No.: 10/669,204

Filing Date: September 23, 2003

For: APPARATUS AND METHODS FOR  
TREATING TISSUE

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 1 through 191 are not submitted. Copies of foreign patent documents numbered 192, 194-197, and 199 are submitted herewith in accordance with 37 C.F.R. § 1.98 (a)(2). Copies of the remaining documents cited in the attached Form PTO-1449 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/898,726 filed July 3, 2001, and, accordingly, copies are not included herewith. This

protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

Applicants would like to draw the attention of the Examiner to the co-pending application (copy attached) listed below:

Application Serial No. 09/602,436, V. Saadat, filed June 23, 2000.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

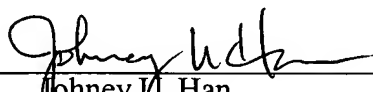
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **509192000201**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 25, 2003

Respectfully submitted,

By:   
Johny U. Han  
Registration No. 45,565

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**COPY**PTO/SB/08 (2-92)  
Sheet 1 of 8Form PTO-1449  
**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
(Use several sheets if necessary)

Docket Number 509192000201

Application Number 10/669,204

Applicant

Russell A. HOUSER et al.

Filing Date September 23, 2003

Group Art Unit Not Yet Assigned

Mailing Date November 25, 2003

**U.S. PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	03/21/2002	2002/0035361	Houser et al.			
	2.	07/04/2002	2002/0087048	Brock et al.			
	3.	07/04/2002	2002/0087049	Brock et al.			
	4.	07/04/2002	2002/0087166	Brock et al.			
	5.	07/04/2002	2002/0087169	Brock et al.			
	6.	07/18/2002	2002/0095175	Brock et al.			
	7.	01/23/2003	2003/0018358	Saadat			
	8.	01/19/1965	3,166,072	Sullivan, Jr., J. T.			
	9.	12/05/1972	3,704,711	Park			
	10.	05/27/1980	4,204,283	Bellhouse et al.			
	11.	04/07/1981	4,259,959	Walker			
	12.	01/08/1985	4,492,229	Grunwald			
	13.	06/25/1985	4,524,771	McGregor et al.			
	14.	01/27/1987	4,639,252	Kelly et al.			
	15.	04/07/1987	4,655,773	Grassi			
	16.	03/15/1988	4,731,075	Gallo Mezo et al.			
	17.	03/28/1989	4,816,339	Tu et al.			
	18.	06/27/1989	4,841,888	Mills et al.			
	19.	07/03/1990	4,938,760	Burton et al.			
	20.	05/07/1991	5,013,316	Goble et al.			
	21.	10/22/1991	5,059,201	Asnis			
	22.	04/28/1992	5,108,420	Marks			
	23.	06/30/1992	5,125,926	Rudko et al.			
	24.	12/15/1992	5,171,252	Friedland			
	25.	06/29/1993	5,222,508	Contarini			
	26.	07/06/1993	5,224,946	Hayhurst et al.			

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DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



<b>Form PTO-144</b> <b>INFORMATIONAL DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 509192000201	Application Number 10/669,204
	Applicant Russell A. HOUSER et al.	
	Filing Date September 23, 2003	Group Art Unit Not Yet Assigned
	Mailing Date November 25, 2003	

	27.	08/17/1993	5,236,445	Hayhurst et al.			
	28.	11/02/1993	5,258,016	DiPoto et al.			
	29.	01/04/1994	5,275,162	Edwards et al.			
	30.	01/25/1994	5,281,218	Imran			
	31.	02/08/1994	5,284,488	Sideris			
	32.	03/01/1994	5,290,300	Cosgrove et al.			
	33.	04/19/1994	5,304,184	Hathaway et al.			
	34.	08/02/1994	5,334,217	Das			
	35.	08/09/1994	5,336,252	Cohen			
	36.	10/11/1994	5,354,298	Lee et al.			
	37.	12/20/1994	5,374,275	Bradley et al.			
	38.	01/10/1995	5,380,334	Torrie et al.			
	39.	01/24/1995	5,383,897	Wholey			
	40.	04/04/1995	5,403,329	Hinchcliffe			
	41.	05/23/1995	5,417,699	Klein et al.			
	42.	06/13/1995	5,423,856	Green			
	43.	06/20/1995	5,425,744	Fagan et al.			
	44.	07/11/1995	5,431,666	Sauer et al.			
	45.	07/18/1995	5,433,727	Sideris			
	46.	08/22/1995	5,443,446	Shturman			
	47.	09/19/1995	5,450,860	O'Connor			
	48.	10/03/1995	5,454,807	Lennox et al.			
	49.	10/17/1995	5,458,609	Gordon et al			
	50.	10/31/1995	5,462,560	Stevens			
	51.	10/31/1995	5,462,561	Voda			
	52.	11/28/1995	5,470,338	Whitfield et al.			
	53.	12/19/1995	5,476,470	Fitzgibbons, Jr.			
	54.	01/02/1996	5,480,403	Lee et al.			
	55.	02/06/1996	5,489,298	Love et al.			

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PTO/SB/08 (2-92)

Sheet 3 of 8

Form PTO-1449

Docket Number 509192000201

Application Number 10/669,204

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Russell A. HOUSER et al.

Filing Date September 23, 2003

Group Art Unit Not Yet Assigned

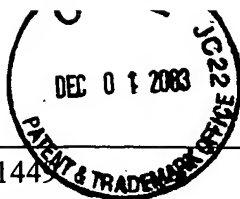
Mailing Date November 25, 2003

	56.	02/06/1996	5,489,498	Ohno et al.			
	57.	02/20/1996	5,492,119	Abrams			
	58.	03/05/1996	5,496,332	Sierra et al.			
	59.	03/05/1996	5,496,336	Cosgrove et al.			
	60.	03/19/1996	5,499,991	Garman et al.			
	61.	03/26/1996	5,501,691	Goldrath			
	62.	04/16/1996	5,507,811	Koike et al.			
	63.	06/18/1996	5,527,321	Hinchliffe			
	64.	06/18/1996	5,527,322	Klein et al.			
	65.	07/30/1996	5,540,704	Gordon et al.			
	66.	08/06/1996	5,542,917	Nita et al.			
	67.	10/08/1996	5,562,686	Sauer et al.			
	68.	10/08/1996	5,562,688	Riza			
	69.	11/12/1996	5,573,540	Yoon			
	70.	11/26/1996	5,578,045	Das			
	71.	12/17/1996	5,584,859	Brotz			
	72.	02/11/1997	5,601,558	Torrie et al.			
	73.	03/11/1997	5,609,598	Laufer et al.			
	74.	03/25/1997	5,613,974	Andreas et al.			
	75.	03/25/1997	5,613,975	Christy			
	76.	05/27/1997	5,632,752	Buelna			
	77.	06/17/1997	5,639,276	Weinstock et al.			
	78.	07/01/1997	5,643,317	Pavcnik et al.			
	79.	07/01/1997	5,643,320	Lower et al.			
	80.	09/02/1997	5,662,663	Shallman			
	81.	09/02/1997	5,662,683	Kay			
	82.	09/16/1997	5,667,513	Torrie et al.			
	83.	10/07/1997	5,673,695	McGee et al.			
	84.	10/21/1997	5,679,005	Einstein			

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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 509192000201	Application Number 10/669,204
	Applicant Russell A. HOUSER et al.	
	Filing Date September 23, 2003	Group Art Unit Not Yet Assigned
	Mailing Date November 25, 2003	

	85.	11/04/1997	5,683,402	Cosgrove et al.			
	86.	12/23/1997	5,700,273	Buelna et al.			
	87.	12/30/1997	5,702,421	Schneidt			
	88.	02/03/1998	5,713,903	Sander et al.			
	89.	02/24/1998	5,720,753	Sander et al.			
	90.	03/10/1998	5,724,978	Tenhoff			
	91.	03/10/1998	5,725,521	Mueller			
	92.	03/10/1998	5,725,552	Kotula et al.			
	93.	03/31/1998	5,732,707	Widder et al.			
	94.	04/21/1998	5,741,297	Simon			
	95.	05/19/1998	5,752,963	Allard et al.			
	96.	06/16/1998	5,766,234	Chen et al.			
	97.	06/23/1998	5,769,846	Edwards et al.			
	98.	07/07/1998	5,776,189	Khalid			
	99.	07/14/1998	5,779,719	Klein et al.			
	100.	08/11/1998	5,792,152	Klein et al.			
	101.	08/25/1998	5,797,960	Stevens et al.			
	102.	09/22/1998	5,810,847	Laufer et al.			
	103.	09/22/1998	5,810,849	Kontos			
	104.	09/29/1998	5,814,070	Borzone et al.			
	105.	10/06/1998	5,817,110	Kronner			
	106.	10/20/1998	5,823,342	Caudillo et al.			
	107.	10/20/1998	5,823,956	Roth et al.			
	108.	10/20/1998	5,824,067	Gross			
	109.	10/27/1998	5,827,203	Nita			
	110.	10/27/1998	5,827,268	Laufer			
	111.	11/03/1998	5,829,447	Stevens et al.			
	112.	11/03/1998	5,830,145	Tenhoff			
	113.	11/17/1998	5,836,955	Buelna et al.			

EXAMINER:	DATE CONSIDERED:
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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 509192000201	Application Number 10/669,204
	Applicant Russell A. HOUSER et al.	
	Filing Date September 23, 2003	Group Art Unit Not Yet Assigned
	Mailing Date November 25, 2003	

	114.	12/08/1998	5,846,261	Kotula et al.			
	115.	01/05/1999	5,855,552	Houser et al.			
	116.	01/05/1999	5,855,614	Stevens et al.			
	117.	01/12/1999	Des. 404,128	Huebner			
	118.	01/19/1999	5,860,920	McGee et al.			
	119.	01/19/1999	5,860,991	Klein et al.			
	120.	01/19/1999	5,861,003	Latson et al.			
	121.	02/09/1999	5,868,749	Reed			
	122.	02/09/1999	5,868,762	Cragg et al.			
	123.	03/30/1999	5,888,247	Benetti			
	124.	04/20/1999	5,895,404	Ruiz			
	125.	06/08/1999	5,910,155	Ratcliff et al.			
	126.	07/27/1999	5,928,224	Laufer			
	127.	07/27/1999	5,928,244	Tovey et al.			
	128.	08/31/1999	5,944,738	Amplatz et al.			
	129.	08/31/1999	5,944,739	Zlock et al.			
	130.	09/07/1999	5,947,125	Benetti			
	131.	09/07/1999	5,947,997	Pavcnick et al.			
	132.	09/07/1999	5,948,000	Larsen et al.			
	133.	09/07/1999	5,948,001	Larsen			
	134.	09/21/1999	5,954,732	Hart et al.			
	135.	09/28/1999	5,957,916	Jeevanandam et al.			
	136.	10/19/1999	5,968,047	Reed			
	137.	10/26/1999	5,972,030	Garrison et al.			
	138.	11/23/1999	5,989,284	Laufer			
	139.	11/30/1999	5,993,459	Larsen et al.			
	140.	12/07/1999	5,997,534	Tu et al.			
	141.	12/21/1999	6,004,269	Crowley et al.			
	142.	01/04/2000	6,010,531	Donlon et al.			

EXAMINER:	DATE CONSIDERED:
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Form PTO-1449

Docket Number 509192000201

Application Number 10/669,204

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Russell A. HOUSER et al.

Filing Date September 23, 2003

Group Art Unit Not Yet Assigned

Mailing Date November 25, 2003

	143.	01/11/2000	6,012,457	Lesh			
	144.	01/11/2000	6,013,083	Bennett			
	145.	01/11/2000	6,014,589	Farley et al.			
	146.	02/01/2000	6,019,768	Wenstrom, Jr. et al.			
	147.	03/14/2000	6,036,690	De La Plaza Fernandez			
	148.	05/02/2000	6,056,743	Ellis et al.			
	149.	05/30/2000	6,068,648	Cole et al.			
	150.	06/13/2000	6,074,395	Trott et al.			
	151.	06/20/2000	6,077,281	Das			
	152.	06/20/2000	6,077,291	Das			
	153.	06/27/2000	6,079,414	Roth			
	154.	07/11/2000	6,086,591	Bojarski			
	155.	07/11/2000	6,086,612	Jansen			
	156.	08/01/2000	6,096,060	Fitts et al.			
	157.	09/05/2000	6,113,631	Jansen			
	158.	09/19/2000	6,120,453	Sharp			
	159.	10/03/2000	6,126,682	Sharkey et al.			
	160.	11/14/2000	6,146,387	Trott et al.			
	161.	11/21/2000	6,149,660	Laufer et al.			
	162.	11/28/2000	6,152,144	Lesh et al.			
	163.	11/28/2000	6,152,935	Kammerer et al.			
	164.	12/12/2000	6,159,235	Kim			
	165.	12/19/2000	6,161,543	Cox et al.			
	166.	12/26/2000	6,165,183	Kuehn et al.			
	167.	01/02/2001	6,167,889	Benetti			
	168.	01/16/2001	6,174,287	Resnick et al.			
	169.	02/13/2001	6,187,040	Wright			
	170.	03/27/2001	6,206,886	Bennett			
	171.	05/15/2001	6,231,561	Frazier et al.			

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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-14

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 509192000201

Application Number 10/669,204

Applicant

Russell A. HOUSER et al.

Filing Date September 23, 2003

Group Art Unit Not Yet Assigned

Mailing Date November 25, 2003

	172.	06/12/2001	6,245,079	Nobles et al.			
	173.	08/07/2001	6,269,819	Oz et al.			
	174.	08/07/2001	6,270,515	Linden et al.			
	175.	08/28/2001	6,280,448	Trott et al.			
	176.	09/04/2001	6,283,962	Tu et al.			
	177.	09/04/2001	6,283,993	Cosgrove et al.			
	178.	09/18/2001	6,290,674	Roue et al.			
	179.	09/18/2001	6,290,702	Fucci et al.			
	180.	10/23/2001	6,306,133	Tu et al.			
	181.	11/06/2001	6,311,623	Zaruba			
	182.	11/20/2001	6,319,270	Grafton et al.			
	183.	12/25/2001	6,332,468	Benetti			
	184.	01/01/2002	6,334,873	Lane et al.			
	185.	02/05/2002	6,344,053	Boneau			
	186.	02/12/2002	6,346,074	Roth			
	187.	02/12/2002	6,346,109	Fucci et al.			
	188.	03/12/2002	6,355,052	Neuss et al.			
	189.	04/02/2002	6,363,940	Krag			
	190.	04/09/2002	6,368,339	Amplatz			
	191.	09/30/2003	6,626,899	Houser et al.			

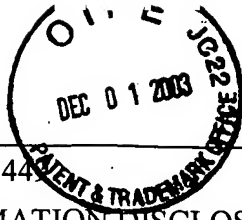
## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.				Class	Subclass	Translation	
							YES	NO
	192.	09/07/1990	WO 90/09763	WIPO				
	193.	07/30/1998	WO 98/32401	WIPO				
	194.	08/20/1998	WO 98/35638	WIPO				
	195.	01/21/1999	WO 99/02096	WIPO				
	196.	11/28/2000	WO 00/27292	WIPO				

EXAMINER:

DATE CONSIDERED:

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<b>Form PTO-144</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 509192000201	Application Number 10/669,204
	Applicant Russell A. HOUSER et al.	
	Filing Date September 23, 2003	Group Art Unit Not Yet Assigned
	Mailing Date November 25, 2003	

	197.	01/04/2001	WO 01/00114	WIPO				
	198.	04/19/2001	WO 01/26557	WIPO				
	199.	01/16/2003	WO 03/003930	WIPO				

**OTHER DOCUMENTS***(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	200.	Hayashi, K. et al. (1997). "The Effect of Thermal Heating on the Length and Histologic Properties of the Glenohumeral Joint Capsule", <i>The American Journal of Sports Medicine</i> , 25(1):107-112.
	201.	Naseef III, G. S. et al. (1997). "The Thermal Properties of Bovine Joint Capsule, The Basic Science of Laser -and Radiofrequency-Induced Capsular Shrinkage", <i>The American Journal of Sports Medicine</i> , 25(5):670-674.
	202.	Selecky, M. T. et al. (1996). "The Effects of Laser-Induced Collagen Shortening on the Biomechanical Properties of the Inferior Glenohumeral Ligament Complex", University of Southern California, School of Medicine, Department of Orthopaedic Surgery, Los Angeles, California, 90033, pp. 1-25.

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